

## **REMARKS**

### **I. Status of Claims:**

Claims 1, 4-15, 17-20, 23-25, 28 and 29 were pending in the application prior to this submission. All of the claims were rejected by the Examiner in the previous Office Action.

Claims 1, 5-6, 8, 14-15, 17-18, 20, 23-25 and 28 have been amended herein. Claims 7 and 19 have been canceled herein without prejudice or disclaimer. No new matter has been introduced, and thus, entry and reconsideration are respectfully requested.

### **II. Response to Rejections Under 35 U.S.C. §112:**

Claims 1, 4-15, 17-20, 23-25 and 28-29 have been rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In particular, various alleged antecedent basis issues have been identified by the Examiner in claims 1, 4-15, 17-20, 23-25 and 28-29.

In response to the 35 U.S.C. §112 rejection, Applicants have either amended the previously-identified claims to resolve the identified discrepancy, or have resolved these issues by amending the claims from which the previously-identified claims depend. Claims 1 and 15 were also voluntarily amended by Applicants based on current USPTO subject matter guidelines.

In view of the above, Applicants respectfully request that the 35 U.S.C. §112, second paragraph, rejection to claims 1, 4-15, 17-20, 23-25 and 28-29 now be withdrawn.

### **III. Response to Rejections Under 35 U.S.C. §103:**

Claims 1, 4, 6-10, 13-15, 17, 23, 25, 28 and 29 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Windows Task Manager, Copyright 1981-2001 MS Corp (hereafter, "Task") in view of NeXT Step 3.3 Copyright 1995 by NeXT Computer, Inc. (hereafter, "Next") and further in view of Sciammarella et al. (US 7,051,291, hereafter, "Sciammarella"). Claims 5 and 24 also stand rejected as being unpatentable over Task and Next in view of Sciammarella, and further in view of Gillespie et al. (US 2002/0191029, hereafter "Gillespie"). Claims 11 and 12 also stand rejected as being unpatentable over Task and Next in view of Sciammarella, and further in view of Shields et al. (US 5,910,802, hereafter "Shields"). In particular, the Examiner alleges that all of the currently pending claims are rendered obvious by various combinations of the Task, Next, Sciammarella, Gillespie and Shields references.

Reconsideration of the present application is respectfully requested in view of the claim amendments and remarks presented herein. For example, amended claim 1 now recites:

1. (Currently Amended) A device comprising a processor configured to:
  - receive a request for access to a menu from a user;
  - compile the requested menu, said menu including a list of menu options associated with currently active applications and inactive applications;
  - determine whether each application associated with a menu option is currently active;
  - add a flag to each menu option associated with a currently active application;
  - display the list of menu options and a focus region having a movable position;
  - select one of said menu options by moving the position of the focus region to the same location as the menu option;
  - present a non-textual status indication and an audible alert for only the selected menu option based on whether the selected menu option is flagged; and
  - provide access to an application associated with the selected menu option, whether said application is active or inactive when selected.

Support for the amendment to claim 1 may be found at least on page 8, lines 5-13 of the originally filed application. Initially, Applicants respectfully assert that the Next reference does not recite or imply a “non-textual” status indication as required in claim 1. Next, as relied upon by the Examiner, discloses that three dots may be added to an icon as an indicator. “*The workspace manager adds three small dots --similar to an ellipses-- in the lower left corner of a docked icon when the application the icon represents isn’t running.*” (Next, page 5 following the figure). Applicants respectfully assert that ellipses are text, or would at least be considered textual in that they can be used to symbolize text that has been omitted, and that as a result the indication disclosed in Next cannot be considered a non-textual indication as required in claim 1.

Regardless of the above assertion, in order to expedite prosecution claim 1 has further been amended to clarify that a “non-textual status indication and an audible alert” are presented for the selected menu option. Applicants respectfully assert that none of the cited references teach or suggest presenting both a non-textual status indication and an audible alert. Moreover, amended claim 8 further recites that the audible alert is a sound corresponding to the selected menu option and the status indication. For example, an active notepad application may

be indicated by the sound of a typewriter, while an active game may be represented by a zap or swoosh type sound (e.g., page 8, lines 10-13 of the original disclosure). Applicants respectfully assert that none of the cited references teach or suggest these limitations as set forth in claim 8.

In view of the above, Applicants respectfully assert that at least amended claims 1 and 8 are distinguishable from the cited references, taken alone or in combination. The other independent claims have been amended in a manner similar to claim 1, and thus, are asserted to be likewise distinguishable. Any other pending claim that is not specifically addressed above is distinguishable at least for depending from the pending independent claims. Thus, Applicants request that the 35 U.S.C. §103 rejection to the above-identified claims now be withdrawn.

### **CONCLUSION**

Based on the foregoing amendments and remarks, Applicants respectfully request reconsideration, withdrawal of the claim objections/rejections and allowance of this application.

### **AUTHORIZATION**

The Commissioner is hereby authorized to charge any additional fees which may be required by this response, or credit any overpayment to Deposit Account No. 504827, Order No. 1004289-216US (4208-4252).

In the event that an extension of time is required, or which may be required in addition to that requested in a petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to Deposit Account No. 504827, Order No. 1004289-216US (4208-4252).

Respectfully submitted,  
LOCKE LORD BISSELL & LIDDELL, LLP.

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By:



Elliot Frank  
Registration No. 56,641

#### Correspondence Address:

Address associated with Customer No.

**85775**

(212) 415-8600 Telephone

(212) 303-2754 Facsimile